

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

WEDNESDAY, THE 6TH DECEMBER 2006 / 15TH AGRAHAYANA 1928

WP(C).No. 32398 of 2006(F)

PETITIONER:

MAMMED, S/O.ENTHEEN,
ALUNGAL HOUSE, NAROKKAVU, PALEMADU,
MALAPPURAM DISTRICT.

BY ADV. SRI.BABU S. NAIR

RESPONDENTS:

1. THE ASSISTANT ENGINEER,
P.W.D. (ROADS) SECTION, NILAMBUR,
MALAPPURAM DISTRICT.
2. THE TALUK SURVEYOR,
NILAMBUR TALUK, MALAPPURAM DISTRICT.
3. THE VILLAGE OFFICER,
VAZHICKADAVU VILLAGE, MALAPPURAM DISTRICT.

BY G.P. SRI.I.V.PROMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 06/12/2006, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

C.N.RAMACHANDRAN NAIR, J.

.....
W.P.(C) No.32398 of 2006
.....

Dated this the 6th day of December, 2006.

JUDGMENT

Since the dispute is as to whether there is encroachment of petitioner's building to the road puramboke, there will be direction to the first respondent to get the road puramboke marked through survey by second respondent and proceed to take over possession and demolish construction only in accordance with the survey report filed by the second respondent. If first respondent finds that the survey report is incorrect or unacceptable to the PWD, it is for him to take up the matter with the authority higher to second respondent. No demolition should be made unless survey is made by second respondent. The petitioner is also free to challenge the survey report.

W.P. is disposed of as above.

C.N.RAMACHANDRAN NAIR
Judge

pms